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*Counsel for Individual and Representative  
Plaintiffs and the Proposed Class*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Richard Kadrey, Sarah Silverman, Christopher  
Golden, Michael Chabon, Ta-Nehisi Coates, Junot  
Díaz, Andrew Sean Greer, David Henry Hwang,  
Matthew Klam, Laura Lippman, Rachel Louise  
Snyder, Ayelet Waldman, and Jacqueline Woodson,

*Individual and Representative Plaintiffs,*

v.

Meta Platforms, Inc., a Delaware corporation;

*Defendant.*

Case No. 3:23-cv-03417-VC

**DECLARATION OF JOSEPH R. SAVERI  
IN SUPPORT OF PLAINTIFFS' MOTION  
FOR APPOINTMENT OF INTERIM  
LEAD CLASS COUNSEL**

I, Joseph R. Saveri, declare as follows:

1. I am the Founder of the Joseph Saveri Law Firm, LLP (“JSLF”) and am its Managing Partner. I am a counsel of record for Plaintiffs in this matter. I submit this Declaration in support of Plaintiffs’ Motion for Appointment of Interim Lead Class Counsel. I have personal knowledge of the facts set forth in this Declaration. If called as a witness, I could and would testify competently to them. I make this declaration pursuant to 28 U.S.C. §1746.

2. The Joseph Saveri Law Firm, LLP (“JSLF”) is a law firm with offices in San Francisco, California and New York, New York. A description of the law firm, biographical information of JSLF’s lawyers, the accolades and honors earned by JSLF, and a description of JSLF’s practice and cases can be found at [www.saverilawfirm.com](http://www.saverilawfirm.com). Attached at **Exhibit 1** is a true and correct copy of a firm profile maintained by JSLF, describing the firm’s activities, areas of expertise, and accolades.

3. Although the firm is just over ten years old, the firm has handled some of the nation’s most important and complex cases. These cases include those seeking to vindicate the intellectual property rights of plaintiffs whose materials have been used to generative AI models, including Meta’s Llama AI product at issue here. *E.g., Doe I et al. v. GitHub, Inc. et al*, No. 22-cv-06823 (N.D. Cal.); *Andersen v. Stability AI Ltd.*, No. 23-cv-00201 (N.D. Cal.); *In re OpenAI ChatGPT Litig.*, No. 22-cv-03223 (N.D. Cal.). Other cases of note include *In re Capacitors Antitrust Litig.*, No. 3:14-cv-03264-JD (N.D. Cal.); *In re Titanium Dioxide Antitrust Litig.*, No. 1:10-cv-00318-RDB (D. Md.); *In re High-Tech Employees Antitrust Litig.*, No. 5:11-cv-02509-LHK (N.D. Cal.); and *In re Cipro Cases I And II*, J.C.C.P. Nos. 4154, 4220 (San Diego County Sup. Ct.). The firm has ongoing lead counsel responsibilities handling other class actions, including antitrust cases involving international cartel cases (*In re Capacitors Antitrust Litig.*,

No. 3:17-md-02801-JD (N.D. Cal.)); illegal merger agreements (*In re Juul Labs, Inc. Antitrust Litig.*, No. 3:20-02345-WHO (N.D. Cal.)), illegal restrictions in sports and labor markets (*e.g.*, *Jones v. Varsity Brands, LLC*, No. 20-cv-02892 (W.D. Tenn.); *Le v. Zuffa, LLC*, No. 2:15-cv-01045 (D. Nev.)); pharmaceutical pricing (*In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litig.*, No. 1:18-md-02819-NG-LB (E.D.N.Y.)); and no-poach cases (*Robinson v. Jackson Hewitt Inc.*, No. 2:19-cv-09066-SDW-LDW (D.N.J.); *Giordano v. Saks*, No. 20-cv-00833-MKB-CLP (E.D.N.Y.); *In re Outpatient Medical Center Employee Antitrust Litigation*, Case No. 1:21-cv-00305 (E.D. Ill.)).

4. Chambers and Partners has ranked JSLF “Band 1” (highest ranking) in its “Antitrust: Mainly Plaintiff—California” category. The American Antitrust Institute honored JSLF with its award for Outstanding Antitrust Litigation Achievement in Private Law Practice in 2017. Best Lawyers/U.S. News & World Report named JSLF among the Best Law Firms from 2013-2018 and the California Daily Journal selected JSLF as one of the “Top Boutiques in California.” The Daily Journal honored Mr. Saveri and other JSLF attorneys with the California Lawyer Attorney of the Year (CLAY) award in 2016. JSLF attorneys also serve in leadership positions in the American Bar Association’s Antitrust Section and the California Lawyer’s Association section on Antitrust, Unfair Competition and Privacy Law. To date, we have generated over \$4.7 billion in settlements and resolutions for our clients.

5. I am a 1987 graduate of the University of Virginia School of Law. I was admitted to the California Bar in 1987. Upon my graduation from law school, I worked as an associate attorney at the law firm then known as McCutchen, Doyle, Brown & Emerson in San Francisco, where my practice focused on complex business litigation, including antitrust and securities litigation. In 1992, I joined the law firm of Lieff, Cabraser & Heimann. During my tenure there, I

handled antitrust, securities, employment and consumer class actions. I handled many groundbreaking and precedent-setting cases and served as court-appointed lead counsel or co-lead counsel in many of them. I established the firm's Antitrust and Intellectual Property Practice Group, which received numerous awards during my tenure. I served as the Managing Partner of the firm, overseeing the firm's growth from a 20-lawyer firm in San Francisco to a 60-lawyer firm with over 100 employees and offices in San Francisco, New York, Nashville and Boston.

6. I have over 35 years of experience in class actions and other complex litigation, including cases in this District. I am rated an AV preeminent by LexisNexis Martindale-Hubbell and was ranked "Band 1" attorney by Chambers USA in its "Antitrust: Mostly Plaintiff" category for 2018 and 2019. I have handled and managed all phases of civil litigation, including class certification, discovery, summary judgment, trial, appeals and settlement. I have tried numerous antitrust and other cases to verdict.

7. In addition to my work for my clients, I have been active in the legal community and in service to the Court. I was chosen to serve as Lawyer's Representative for the Northern District of California from 2009-2011. I served on the group of lawyers and judges who created the Northern District's E-Discovery (ESI) Guidelines, as well as the group that created the local rule for summary jury trial. I participated in the meetings of the Federal Rules Advisory Committee in 2003 -2005, which among other things, amended the Federal Rules of Civil Procedure with respect to the discovery of electronically stored information. I have been active in the Sedona Conference on electronic discovery and antitrust law.

8. I am leading JSLF's team on this case with JSLF partners Cadio Zirpoli and Christopher K.L. Young. Mr. Zirpoli played a key role in some of the largest electronics and antitrust cases on record. Mr. Young has specialized in complex civil and class-action litigation

in both federal and state courts, and has worked on cases in various industries. Mr. Young's qualifications are exemplified by his invaluable work on the *Capacitors* trial. As a then-leading associate, Mr. Young played a vital role in coordinating the massive price-fixing litigation as JSLF litigated summary judgment, and tried the case in 2020 for two weeks (before the COVID-19 virus caused a mistrial), before the case was tried again in November and December of 2021.

9. The JSLF team also includes other key members, including attorneys Kathleen McMahon and Holden Benon, and a team of paralegals, investigators and other expert staff. Each of JSLF's associates, paralegals and other staff members have significant experience in litigating complex cases, including through jury trial.

10. JSLF is entirely self-funded and has no arrangements with litigation funders or similar obligations, nor does JSLF intend to form such arrangements. JSLF possesses the ability to independently finance this litigation through trial. For example, JSLF has invested almost \$9 million itself in connection with the *Capacitors* litigation.

### **Commitment to Diversity, Inclusion and Mentoring**

11. Since its inception, the firm has been committed to values of diversity, inclusion and mentoring. Through its recruiting and hiring, the firm has included persons from a wide spectrum of gender, ethnicity, national origin, and sexual identity. As one of its core values, the firm encourages the inclusion and advancement of all. JSLF makes diversity a priority and is committed to providing substantive opportunities for junior members of its team, a commitment that fosters the next generation of attorneys—particularly in high-stakes cases like this one—and has produced a strong and experienced team. Under my leadership, JSLF's broad and diverse team will ensure tasks are performed by lawyers and staff with the appropriate level of experience (and billing rates).

12. A core value of the firm is mentoring. It is important to the firm—and the profession—that senior and junior employees work with another for the purposes of growth, learning and development. It is the firm’s mentors who serve as role models and sounding boards for more junior attorneys at the firm. The firm is also committed to providing opportunities for attorneys who are less experienced, including those of co-counsel. The firm’s junior lawyers participate in all phases of litigation, including discovery, arguing dispositive motions, and examining witnesses at trial. Indeed, junior lawyers have already had significant roles in this very litigation. Other recent examples include the *In re Capacitors Antitrust Litig.*, No. 3:14-cv-03264-JD (N.D. Cal.) jury trial, wherein younger attorneys served critical trial roles such as examining expert witnesses; and *In re Juul Labs, Inc. Antitrust Litig.*, No. 3:20-02345-WHO (N.D. Cal.), wherein younger attorneys took lead roles in drafting and arguing dispositive motions.

13. In addition, the firm has actively participated in the Federal Pro Bono Project in the Northern District of California. *See* <https://www.cand.uscourts.gov/attorneys/federal-pro-bono-project/>. In addition to providing much-needed representation of *pro se* litigants, participation in the Federal Pro Bono Project has provided excellent opportunities for less-experienced attorneys to obtain federal court experience. JSLF partner Christopher K.L. Young participated as a speaker at a webinar co-sponsored by the Bar Association of San Francisco’s Justice and Diversity Center, the Asian Law Alliance, and the U.S. District Court for the Northern District of California: “What Can I Do as a Pro Bono Attorney in the Northern District?”

### **Development of this Case**

14. My firm conducted significant and independent investigation of this case prior to filing the initial Complaint on July 7, 2023. JSLF and Matthew Butterick, Esq., took significant steps to identify, investigate, and advance the claims in this litigation. JSLF conducted investigations to analyze and make a preliminary assessment of the damages, and the viability of Plaintiffs' claims. JSLF conducted investigations to analyze and make a preliminary assessment of the damages, and the viability of Plaintiffs' claims. JSLF also conducted research on Defendants and performed legal and factual research regarding Plaintiffs' claims under state and federal laws. JSLF continues to develop and investigate the merits and damages claims in this action.

### **Advancement of the Litigation**

15. Since filing the first lawsuit challenging Meta's Llama AI products, JSLF has diligently pursued this case. Defendant has been served. Counsel for the parties have litigated Rule 12 motions. Counsel for the parties have conducted a Rule 26(f) conference, and the parties have exchanged initial disclosures. Discovery is proceeding.

16. In order to most efficiently progress the litigation, it is important to establish mutual respect and cooperation between counsel of plaintiffs and counsel for the defendants. Further, in the pursuit of that goal, we have negotiated and coordinated agreements with Defendant and other plaintiffs in related actions, which included an order consolidating the action, and briefing schedule for responsive motions to the first consolidated amended complaint.

17. Counsel has a reputation for dealing cooperatively with co-counsel, defense counsel, and the Court, which will minimize conflict and avoid unnecessary cost and expense.

18. JSLF routinely advances significant costs of litigation without the use of outside litigation funds and is prepared to do so here.<sup>1</sup> JSLF is comprised of highly experienced attorneys and has ample support staff to manage and staff a large, complex action such as this one, and to do so in a cost-efficient manner.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 21, 2023.

/s/ Joseph R. Saveri

Joseph R. Saveri

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<sup>1</sup> JSLF invested almost \$9 million itself in connection with the pending *Capacitors* litigation, including taking the case to trial—twice.